MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

Secretary of State
Frankfort
Kentucky

2017-334
June 2, 2017

RELATING TO THE REORGANIZATION OF VARIOUS EDUCATION BOARDS

WHEREAS, it is the obligation and charge of public servants to provide the citizens of this Commonwealth with an efficient and economical government structure, including oversight and regulations that are administered in a consistent, ethical and organized manner; and

WHEREAS, improved coordination and alignment of Kentucky's education and workforce development structures, initiatives, and policies is essential to increasing career opportunities and workforce participation in the state; and

WHEREAS, the demands and responsibilities of multiple boards, councils, and commissions related to education delivery within the Commonwealth have changed due to recent acts of the General Assembly, substantial transformation in the economy, and an ever-increasing demand for skilled and technical labor; and

WHEREAS, the current structure and membership provisions of many education boards and councils are unable to effectively address these demands, and increased expertise in the areas of curriculum and instruction, assessment, career and technical education, counseling and psychology, workforce development, business and industry, policy, law, and personnel leadership would benefit the development of education policy in Kentucky; and

WHEREAS, groundbreaking new legislation was passed during the 2017 session of the Kentucky General Assembly and signed by the Governor, including but not limited to, Senate Bill 1 and House Bill 520; and

WHEREAS, Senate Bill 1 requires the Kentucky Board of Education to promulgate regulations for the administration of the new academic standards review process, and

WHEREAS, the Kentucky Board of Education bears the incredibly time-sensitive responsibility of promulgating regulations for a new school accountability system within the

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guidance and framework provided by Kentucky Senate Bill 1 (2017) and the federal Every Student Succeeds Act; and

WHEREAS, House Bill 520 gives Kentucky's local boards of education the rights and responsibilities of being charter school authorizers, including receiving, considering, and acting on charter applications, and provides for appeals of local board decisions to the Kentucky Board of Education; and

WHEREAS, it is essential that an advisory body be established immediately to provide expertise and guidance to the Kentucky Board of Education on matters relating to charter schools, including but not limited to charter school authorizers, applications, authorization, renewal, nonrenewal, revocation, and appeals; and

WHEREAS, the alignment and coordination of efforts among secondary schools, postsecondary institutions, and state government agencies and their joint efforts to prepare educators to teach in career, technical and work-ready programs at the high school level are critical to ensuring the success of these programs and the training of Kentucky's workforce; and

WHEREAS, in order to more adequately address the new legislation enacted by the General Assembly in the 2017 session, I have determined that the structures of the Kentucky Board of Education, the Council on Postsecondary Education, the Education Professional Standards Board, the School Curriculum, Assessment and Accountability Council, the State Advisory Council for Gifted and Talented Education, the State Advisory Panel for Exceptional Children, and the Reading Diagnostic and Intervention Grant Steering Committee should be abolished, altered, or recreated in order to promote a greater diversity of experience among members and improved collaboration among key stakeholders, including an enhanced confluence of ideas, planning and efficiencies; and

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WHEREAS, I have determined that the various education Boards and Councils should be altered to provide a more focused vision designed to provide all students in the Commonwealth with the opportunity to obtain the skills and education needed to pursue both academic degrees and career or technical certifications so that they may participate fully in the modern workforce:

NOW, THEREFORE, I, Matthew G. Bevin, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution, Sections 69 and 81, and KRS 12.028, do hereby Order and direct the following to take effect immediately:

Charter Schools Advisory Council

I. The Charter Schools Advisory Council is hereby created as an advisory body to the Kentucky Board of Education, the School Curriculum, Assessment and Accountability Council, the Education Professional Standards Board, the Local Superintendents Advisory Council, and the Legislative Research Commission, to help ensure charter schools maintain the highest quality and provide resources to stakeholder groups regarding charter school activities.

II. There shall be nine (9) voting members of the Charter Schools Advisory Council who possess expertise in curriculum, instruction, finance, administration, assessment, and law, including three (3) members of the Kentucky Board of Education, one (1) member of the School Curriculum, Assessment, and Accountability Council, and five (5) individuals who meet the following criteria:

1. One (1) parent of a school-aged child;
2. One (1) attorney having experience with education laws;
3. One (1) person with a business or finance background and;
4. Two (2) individuals with education policy expertise.

III. Upon initial formation, the Governor shall select the Chairperson and Vice Chairperson of the Charter Schools Advisory Council and designate those members of the Kentucky Board of Education and the School Curriculum, Assessment, and Accountability Council who will serve on the Charter Schools Advisory Council for a term ending June 30, 2018. Thereafter, the Kentucky Board of Education and the School Curriculum, Assessment, and Accountability Council shall designate their members annually who will serve on the Charter Schools Advisory Council for terms beginning July 1 of each year.

IV. The Charter Schools Advisory Council shall have the following duties:

1. Make recommendations to the Kentucky Board of Education for the adoption of regulations regarding all aspects of charter school operation, including time lines, standards, criteria for acceptance and approval of applications, monitoring

of charter schools, appeals to the Kentucky Board of Education, and grounds for revocation of charters.

2. Review charter applications and make recommendations to the Kentucky Board of Education for final approval of charter applications.

3. Recommend actions relating to the appeals of charter applications, renewals of charters, non-renewals of charters, and revocations of charters.

4. Undertake any other duties and responsibilities delegated by the Kentucky Board of Education or as established via legislation of the General Assembly.

V. The Charter Schools Advisory Council shall be attached to the Kentucky Department of Education for administrative purposes and be provided suitable staff and resources to conduct its work. Upon request, the Commissioner of Education shall assign dedicated staff to assist the Charter Schools Advisory Council in the performance of its duties. Further, the Commissioner of Education shall assign a dedicated staff liaison to assist the Council in the performance of its duties and to act on his or her behalf in all instances of absence from meetings and functions necessary to the performance of its duties.

VI. The Governor shall appoint new members of the Charter Schools Advisory Council by Executive Order to initial terms as follows: Of the five (5) citizen members, three (3) persons shall serve three (3) year terms and two (2) persons shall serve two (2) year terms, beginning June 1, 2017. Thereafter, new appointees shall serve three (3) year terms.

Standards and Assessments Process Review Committee

VII. The Standards and Assessments Process Review Committee created by Senate Bill 1 and established under KRS 158.6453 is hereby altered to include one (1) voting member of the Kentucky Board of Education, one (1) voting member of the School Curriculum, Assessment and Accountability Council, and (1) voting member of the Education Professional Standards Board, each of whom shall be appointed by the Governor and serve annual terms beginning June 1, 2017. Further, the Governor shall designate the Chairperson and Vice Chairperson to serve until the first regular meeting of Fiscal Year 2018-2019, and make the appointments by Executive Order.

Council on Postsecondary Education

VIII. The Council on Postsecondary Education established under KRS 164.011 is hereby altered to consist of fifteen (15) voting members appointed by the Governor and confirmed by the Senate, including one (1) postsecondary faculty member, a postsecondary student member and thirteen (13) members from the state at-large, one of whom shall also serve as a non-voting advisor to the Kentucky Board of Education. Additionally, the Commissioner of Education shall serve as an ex-officio non-voting member of the Council.

IX. Excluding the member who shall serve as the advisor to the Kentucky Board of Education pursuant to paragraph VIII, all appointments shall be made in accordance with KRS

164.011(2), except that the faculty and student members shall not be subject to restrictions based on race, sex, geography, or political affiliation.

X. The President of the Council on Postsecondary Education shall serve as executive secretary of the Council and attend all meetings. Subject to approval of the Council, the president may designate staff to record minutes and facilitate his or her duties. Further, the Council may appoint an administrative coordinator, who shall act as ombudsman for members, and whose salary shall be borne by the Council on Postsecondary Education.

XI. All persons serving unexpired terms upon the effective date of this Order shall serve in an appointed position for the remainder of their individual terms as they existed prior to the filing of this Order. The Governor shall appoint members by Executive Order.

Kentucky Board of Education

XII. The Kentucky Board of Education established under KRS 156.029 is hereby altered to include four (4) non-voting advisors. Each of these non-voting advisors shall be designated by the Governor and must meet one of the following qualifications: (1) a member of the Council on Postsecondary Education; (2) a member of the Education Professional Standards Board; (3) a member of the School Curriculum, Assessment and Accountability Council; (4) a member of the Charter Schools Advisory Council; or (5) a member meeting a qualification set forth in paragraph XIII below. These non-voting advisors are not to be considered Members of the Board but are entitled to be present at all meetings, including closed sessions, and to be fully heard and to participate in all topics of discussion.

XIII. Of the persons appointed and serving as members of the Kentucky Board of Education, at least one (1) member shall be a parent of a public school child at the time of appointment, at least four (4) persons shall possess a minimum five (5) years of experience within the field of education, including one (1) member with background as a faculty member of a postsecondary institution. Further, at least four (4) persons shall possess a minimum five (5) years of leadership experience within business, including one (1) member with a background as an entrepreneur who has employed ten (10) or more persons.

XIV. During the final regular meeting in each fiscal year, in addition to choosing a chairperson, the Board shall designate from among its members one (1) member to serve as Vice Chairperson, and three (3) members to serve on the Charter Schools Advisory Council, except that upon filing of this Order, the Governor shall designate the members to serve on the Charter Schools Advisory Council until the first regular meeting of Fiscal Year 2018-19.

XV. The Commissioner of Education shall serve as executive secretary to the Kentucky Board of Education and attend all meetings. Subject to approval of the Kentucky Board of Education, the commissioner may designate staff to record minutes and facilitate his or her administrative duties. Further, the Kentucky Board of Education may also appoint an administrative coordinator, who shall act as ombudsman for the members, and whose expenses shall be borne by the Department of Education.

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XVI. All persons serving unexpired terms upon the effective date of this Order shall serve in an appointed position for the remainder of their individual terms as they existed prior to the filing of this Order. The terms of the four (4) non-voting advisors designated pursuant to Executive Order are one (1) year.

School Curriculum, Assessment and Accountability Council

XVII. The School Curriculum, Assessment and Accountability Council (hereinafter referred to as "SCAAC") established under KRS 158.6452 is hereby abolished. The terms of members serving on SCAAC prior to the filing date of this Order cease to exist, except as hereinafter expressly provided.

XVIII. SCAAC is hereby created to study, assess and audit Kentucky's system of setting academic standards, establishing curriculum, assessing learning, identifying academic competencies and deficiencies of individual students, holding schools accountable for student achievement, and assisting schools to improve their performance.

XIX. SCAAC shall report and recommend to the Education and Workforce Development Cabinet, the Kentucky Board of Education, the Legislative Research Commission, and the Education Professional Standards Board, critical data related to academic expectations, curriculum, core content for assessment, the development and deployment of statewide assessment and accountability programs, recognition of high performing schools, the imposition of school or district sanctions, and assistance for schools to improve their performance under KRS 158.6453, 158.6455, 158.6459, 158.782 and 158.805.

XX. SCAAC shall be comprised of fifteen (15) voting members, with the Secretary of Education & Workforce Development, or his designee, and the Commissioner of Education serving in ex officio voting capacities, along with the following thirteen (13) voting members appointed by the Governor:

1. One (1) parent or member-at-large;
2. One (1) elementary, middle or high school teacher with responsibility for teaching English, social sciences, or humanities;
3. One (1) public school principal;
4. One (1) public school superintendent;
5. One (1) local Board of Education member;
6. One (1) science, technology, engineering, or mathematics teacher;
7. One (1) school district assessment coordinator;
8. One (1) gifted and talented teacher or administrator;
9. One (1) exceptional education teacher or administrator;
10. One (1) educator representing career and technical programs;
11. One (1) postsecondary education member with expertise in assessment;
12. One (1) private sector representative with workforce experience; and
13. One (1) dual appointee of the Education Professional Standards Board.

The Governor may also designate from these members one member that will serve as a non-voting advisor to the Kentucky Board of Education.

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XXI. SCAAC shall be attached to the Kentucky Department of Education for administrative purposes and be provided suitable staff and resources to conduct its work. Upon request of SCAAC, the Commissioner of Education shall assign dedicated staff to assist SCAAC in the performance of its duties. Further, the Commissioner of Education shall assign a dedicated staff liaison to assist SCAAC in the performance of its duties and to act on his or her behalf in all instances of absence from SCAAC meetings and functions.

XXII. To the extent permitted by law, SCAAC is authorized to request and receive data from any state or local government agency in the Commonwealth deemed necessary to fulfill the requirements of its mission, including any entity which derives a substantial portion of its funding from public sources.

XXIII. The Governor shall appoint new members by Executive Order to initial terms as follows: Four (4) members shall serve two (2) year terms, four (4) members shall serve three (3) year terms, and four (4) members shall serve four (4) year terms, beginning June 1, 2017. Further, the Governor shall designate the chairperson and vice- chairperson to serve until the first regular meeting of Fiscal Year 2018-2019.

Education Professional Standards Board

XXIV. The Education Professional Standards Board (EPSB) established under KRS 161.028 is hereby abolished. The terms of members serving on the Board prior to the filing date of this Order cease to exist, except as hereinafter expressly provided.

XXV. The Education Professional Standards Board is hereby recreated and shall be comprised of fifteen (15) members, with the President of the Council on Postsecondary Education, or his designee, and the Commissioner of Education, or his designee, serving in Ex Officio voting capacities. Further, the Governor shall appoint the following thirteen (13) voting members, subject to senate confirmation:

1. One (1) elementary school teacher
2. One (1) middle school teacher;
3. One (1) high school teacher;
4. One (1) science, technology, engineering, or mathematics teacher;
5. One (1) arts and humanities teacher;
6. One (1) exceptional education teacher;
7. One (1) career and technical education professional;
8. One (1) principal or school administrator;
9. One (1) school counselor or psychologist;
10. One (1) faculty member of a private postsecondary institution;
11. One (1) faculty member of a public postsecondary institution;
12. One (1) dual appointee of the School Curriculum, Assessment and Accountability Council.
13. One (1) parent or member-at-large.

The Governor may also designate from these members one member that will serve as a non-voting advisor to the Kentucky Board of Education.

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XXVI. The EPSB shall be attached to the Education and Workforce Development Cabinet for administrative purposes and shall be headed by an executive director appointed by the Governor. The executive director shall possess broad experience in public education and teacher development. The executive director shall have those powers set forth in KRS 161.017 and be subject to annual employment review by the EPSB. Further, upon approval of the Governor, the EPSB may enter into an employment contract with the executive director not to exceed three (3) years.

XXVII. All powers, duties, rights, responsibilities, records, equipment, staff, supporting budgets and other obligations or functions set forth in relevant provisions of law and applicable to the EPSB as it existed prior to the filing of this Order are hereby transferred to the surviving entity, except as otherwise expressly provided hereinafter.

XXVIII. Any decision to issue, renew, revoke, reprimand, suspend, impose conditions upon, or any other actions regarding educator certification or credentials may be appealed to the Kentucky Board of Education within seven (7) days, which body should cause the case to be reviewed and answered within thirty (30) days in a manner prescribed by its Board.

XXIX. The Kentucky Board of Education shall be given thirty (30) days to review and approve all proposed administrative regulations of the EPSB prior to promulgation in a manner prescribed by the State Board, notwithstanding those filed with an emergency clause.

XXX. The Governor shall appoint new members by Executive Order to initial terms as follows: Four (4) members shall serve two (2) year terms, four (4) members shall serve three (3) year terms, and four (4) members shall serve four (4) year terms, beginning June 1, 2017. The Governor shall select the Chairperson and Vice Chairperson of the committee to serve until the first regular meeting of Fiscal Year 2018-2019.

Reading Diagnostic and Intervention Grant Steering Committee

XXXI. The Reading Diagnostic and Intervention Grant Steering Committee established under KRS 158.794 is hereby abolished. The terms of members serving on the committee prior to the filing date of this Order cease to exist, except as hereinafter expressly provided.

XXXII. The Read to Achieve Advisory Council ("RTA Council") is hereby created and for the purpose of implementing and overseeing the reading diagnostic and intervention fund created by KRS 158.792.

XXXIII. The RTA Council shall be comprised of fifteen (15) members, including the Secretary of the Education and Workforce Development Cabinet or designee who shall serve as a voting Ex Officio member; and four (4) Ex Officio non-voting members designated by the Commissioner of Education, the Collaborative Center for Literacy Development, the Education Professional Standards Board, and the School Curriculum, Assessment and Accountability Council. The Governor shall appoint the following ten (10) voting members, who shall possess specific background in the areas of reading and literacy:

1. One (1) parent;
2. One (1) elementary teacher;
3. One (1) middle or high school teacher;
4. One (1) special education teacher;
5. One (1) gifted and talented teacher;
6. One (1) university or college professor;
7. One (1) speech-language pathologist;
8. One (1) librarian or certified media specialist;
9. One (1) reading intervention teacher or administrator;
10. One (1) member who has experience assisting deaf and hearing-impaired children.

XXXIV. The RTA Council shall be attached to the Kentucky Department of Education for administrative purposes and be provided suitable staff and resources to conduct its work. Upon request of the RTA Council, the Commissioner of Education shall assign dedicated staff to assist the RTA Council in the performance of its duties. Further, the Commissioner of Education shall assign a dedicated staff liaison to assist the RTA Council in the performance of its duties and to act on his or her behalf in all instances of absence from the RTA Council meetings and functions.

XXXV. The Governor shall appoint new members by Executive Order to initial terms as follows: Four (4) members shall serve two (2) year terms, four (4) members shall serve three (3) year terms, and two (2) members shall serve four (4) year terms, beginning June 1, 2017. Further, the Governor shall designate the Chairperson and the Vice Chairperson to serve until the first regular meeting of Fiscal Year 2018-2019.

State Advisory Council for Gifted and Talented Education

XXXVI. The State Advisory Council for Gifted and Talented Education created by KRS 158.648 is hereby abolished. The terms of members serving on the committee prior to the filing date of this Order cease to exist, except as hereinafter expressly provided.

XXXVII. The State Advisory Council for Gifted and Talented Education is hereby created for the purpose of making recommendations regarding the provision of educational services for gifted and talented students in the Commonwealth.

XXXVIII. The State Advisory Council for Gifted and Talented Education shall be comprised of fifteen (15) members, including an Ex Officio non-voting designee of the Commissioner of Education, the Education Professional Standards Board, the School Curriculum, Assessment and Accountability Council, and the president of the Council on Postsecondary Education. The Governor shall appoint the following eleven (11) voting members, who shall possess specific experience or background in the areas of gifted and talented education:

1. One (1) elementary teacher;
2. One (1) middle or high school teacher;
3. One (1) gifted and talented program coordinator;
4. One (1) parent of a gifted or talented child;
5. One (1) science, technology, engineering, or mathematics teacher;

6. One (1) arts and humanities teacher;
7. One (1) school counselor or psychologist;
8. One (1) superintendent or district assessment coordinator;
9. One (1) faculty member of a private postsecondary institution;
10. One (1) faculty member of a public postsecondary institution; and
11. One (1) member at-large who shall not be an active educator;

XXXIX. The State Advisory Council for Gifted and Talented Education shall be attached to the Kentucky Department of Education for administrative purposes and be provided suitable staff and resources to conduct its work. Upon request of the State Advisory Council for Gifted and Talented Education, the Commissioner of Education shall assign dedicated staff to assist the State Advisory Council for Gifted and Talented Education in the performance of its duties. Further, the Commissioner of Education shall assign a dedicated staff liaison to assist the State Advisory Council for Gifted and Talented Education in the performance of its duties and to act on his or her behalf in all instances of absence from the State Advisory Council for Gifted and Talented Education meetings and functions.

XL. The Governor shall appoint new members by Executive Order to initial terms as follows: Four (4) members shall serve two (2) year terms, four (4) members shall serve three (3) year terms, and three (3) members shall serve four (4) year terms, beginning June 1, 2017. Further, the Governor shall designate the Chairperson and the Vice Chairperson to serve until the first regular meeting of Fiscal Year 2018-2019.

State Advisory Panel for Exceptional Children

XLI. The State Advisory Panel for Exceptional Children created by Executive Order 1995-1295 is hereby abolished. The terms of members serving on the Panel prior to the filing date of this Order are expired.

XLII. The State Advisory Council for Exceptional Children is hereby created.

XLIII. The State Advisory Council for Exceptional Children shall be comprised of fifteen (15) members, including an ex officio non-voting designee of the Commissioner of Education, the Education Professional Standards Board, the School Curriculum, Assessment and Accountability Council, and the president of the Council on Postsecondary Education. The Governor shall appoint the following eleven (11) voting members, who shall possess the following qualifications:

1. One (1) individual with disabilities or exceptional needs;
2. One (1) parent of an exceptional child ages birth through 12 years;
3. One (1) parent of an exceptional child ages 13 through 26 years;
4. One (1) elementary special education teacher;
5. One (1) middle or secondary special education teacher;
6. One (1) higher education member who trains and prepares special education teachers;
7. One (1) private sector provider of programs for exceptional children;
8. One (1) public school administrator of programs for exceptional children;
9. One (1) child welfare agency member responsible for foster care;

10. One (1) member affiliated with juvenile correction or transitional services; and
11. One (1) member experienced in dealing with the McKinney-Vento Homeless Assistance Act.

XLIV. The State Advisory Council for Exceptional Children shall have the following duties:

1. Advise the Department of Education, Board of Education, Education Professional Standards Board, and School Curriculum, Assessment and Accountability Council of unmet needs and desired program changes within the Commonwealth related to the education of children with disabilities, including the suggestion of corrective action plans and personnel development needs;

2. Review and comment on rules or regulations proposed by the Commonwealth relating to the education of children with disabilities and the procedures for distribution of funds under Part B of Public Law 101-476;

3. Review and comment on written findings of fact and decisions from due process hearings, including other reports issued by federal and state authorities relating to exceptional children;

4. Advise the Kentucky Department of Education, the Justice Cabinet and other public agencies on eligible students with disabilities in state and local prisons;

5. Provide opportunities for public input through regularly scheduled public hearings or during general meetings.

XLV. The State Advisory Council for Exceptional Children shall be attached to the Kentucky Department of Education for administrative purposes and be provided suitable staff and resources to conduct its work. Upon request of the State Advisory Council for Exceptional Children, the Commissioner of Education shall assign dedicated staff to assist the Council in the performance of its duties. Further, the Commissioner of Education shall assign a dedicated staff liaison to assist the State Advisory Council for Exceptional Children in the performance of its duties and to act on his or her behalf in all instances of absence from the State Advisory Council for Exceptional Children meetings and functions.

XLVI. The Governor shall appoint new members by Executive Order to initial terms as follows: Four (4) members shall serve two (2) year terms, four (4) members shall serve three (3) year terms, and three (3) members shall serve four (4) year terms, beginning June 1, 2017. Further, the Governor shall designate the Chairperson and the Vice Chairperson to serve until the first regular meeting of Fiscal Year 2018-2019.

General Provisions:

XLVII. Excluding the Kentucky Board of Education and Council on Postsecondary Education, whose members and terms are not affected, the terms of all persons serving on the boards and councils hereto upon the filing date of this Order, and not appointed to a new position by Executive Order of the Governor hereafter, shall expire.

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XLVIII. Except for the Kentucky Board of Education and the Council on Postsecondary Education successive members shall serve for a term of three (3) years, subject to not more than two consecutive terms, and if required by statute, be submitted for senate confirmation in accordance with KRS 11.160.

XLIX. On making appointments, the Governor shall strive for broad geographic, racial, political, and gender diversity among members.

L. Board or council members shall meet at least four (4) times annually at places and dates to be determined by resolution of the board or council.

LI. In the event of anticipated absences, ex officio members may appoint a proxy by written communication to the secretary of the board or council. Such designees shall not be eligible for expense reimbursement but shall be entitled to full participation rights. Except for ex-officio appointees, any member who misses three consecutive meetings may be removed from office and the Governor shall replace such member according to law.

LII. At the final regular meeting of the board or council in each fiscal year beginning in 2018, a chairperson and vice chairperson shall be selected from among the citizen appointees by all voting members. New officers shall begin presiding at the first meeting of the board or council in each fiscal year. Further, any internal policies and procedures shall also be reviewed and adopted annually during the final meeting of the fiscal year by resolution of the entire board or council. However, no policy or procedure adopted shall be construed to prevent new members from full participation rights or from serving as officers, nor shall any policy or procedure be contrary to public law or proper rules of order and conduct.

LIII. All members and non-voting advisors shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Furthermore, public employee members shall serve without remuneration, but may attend meetings and perform other board or council business without loss of income or benefits. Any state agency, school district, public university or political subdivision of the Commonwealth which is required to hire a substitute for a member who is absent from his or her place of employment while performing board or council business shall be reimbursed for the actual amount of any costs incurred if a written request for reimbursement is made to the board or council within thirty (30) days.

LIV. A vacancy on any board or council shall be filled in the same manner as the original appointment within ninety (90) days of official written notification to the Governor. Members whose terms have expired may continue to serve until reappointed or successors are named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he or she was appointed, shall no longer be eligible to serve in that position and shall be deemed removed without notice.

LV. Unless otherwise stated, all duties, functions, responsibilities, records, equipment, staff, and supporting budgets of the referenced boards or councils as they existed prior to the filing of the attached Executive Order and all functions, rights, powers, duties, and

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obligations set forth in relevant provisions of law are hereby transferred to the surviving entity. All other provisions of law that apply to the boards or councils herein shall remain in full force and effect.

MATTHEW G. BEVIN, Governor
Commonwealth of Kentucky

ALISON LUNDERGAN GRIMES
Secretary of State

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REORGANIZATION PLAN

Due to substantial transformation in the economy and rapidly increasing demand for a highly skilled, technical and specialized workforce, there is an urgent and critical need to provide the emerging generation of students with the educational tools and resources necessary to become successful in a largely global and technology-based economy.

In attempting to plan and prepare for this constantly evolving economic environment, significant new legislation was passed during recent sessions of the General Assembly relating to school accountability, education and work readiness, including charter school initiatives, dual credit, career and technical training, additional student scholarship options, work-ready programs, apprenticeship, entrepreneurship, vocational education, enhanced teacher credentialing, and improved performance assessments.

In light of this new legislation, and subsequently because the responsibilities of many vital Boards and commissions related to the delivery of educational programs and services must change in order to adapt, it has become evident that the current structure and membership provisions of these entities have become outdated and are no longer equipped to address the transformational educational needs of our emerging students and burgeoning new workforce.

Therefore, in order to address these deficiencies and provide for the improved collaboration of ideas, planning and efficiencies among various stakeholder entities, including a greater diversity of experiences among Board members, urgent and compelling reasons now exist to expedite the executive reorganization of the following Boards and commissions:

Council on Postsecondary Education:

One appointee to the Council on Postsecondary Education will serve as a non-voting Advisor to the Kentucky Board of Education. The addition of this advisor is imperative to facilitating improved communication and coordination between secondary and postsecondary institutions, which will serve as a critical link for stronger outcomes and student success.

Kentucky Board of Education:

Four (4) non-voting advisors will be designated to participate fully in the Kentucky Board of Education meetings. These non-voting advisors must meet one of the following qualifications: (1) a member of the Council on Postsecondary Education; (2) a member of the Education Professional Standards Board; (3) a member of the School Curriculum, Assessment and Accountability Council; (4) a member of the Charter Schools Advisory Council; or (5) a member that shall be either a parent of a public school child at the time of appointment or possess a minimum five (5) years of experience within the field of education.

Additionally, member guidelines shall be enhanced to ensure that at least four (4) appointees have experience within education and at least four (4) appointees have private sector leadership experience. Composition of the Board will meet this standard with future appointments.

These changes reflect a pressing need to integrate the knowledge and expertise of those persons from the private business sector who will ultimately hire emerging students with the educators

and teachers who are actually preparing them for the workforce as well as provide for closer coordination with other education boards

School Curriculum Assessment and Accountability Council:

The current Council is comprised of seventeen (17) members generally consisting of two (2) representatives from different educational backgrounds. While the restructured Council shall be comprised of fifteen (15) members with one (1) representative for each unique category, the reorganization substantially enhances the variety of specialties represented, including a "dual member" of the Education Professional Standards Board.

In addition to more diversified membership, the Executive Order provides the Council with several tools necessary to enhance its ability to assess curriculum and performance, including making the resources of the Education Cabinet available and directing that all public agencies provide requested data to the Council unless specific regulations would make doing so unlawful.

Education Professional Standards Board:

The current Board is comprised of seventeen (17) members with often duplicative educational backgrounds. While the restructured Board shall be comprised of fifteen (15) members with one (1) representative for each unique category, the reorganization enhances the variety of specialties represented, including a member who serves as an Ex Officio member of the Board of Education and one who serves as a voting member of the School Curriculum, Assessment and Accountability Council. Furthermore, to provide greater coordination between the EPSB and other education, boards, commissioners and state agencies, the Executive Director will be subject to the approval of the Governor and the board.

In addition to more diversified membership and greater collaboration with related educational entities, necessary state supervision and oversight shall be provided inasmuch as the Kentucky Board of Education shall be afforded final approval over certain actions of the Educational Professional Standards Board. Presently, the Board operates as an independent corporate body politic and is comprised of active market participants engaged in self-regulation with the power to issue and suspend licenses and discipline its licensees. Consequently, Board members are thereby exposed to potential anti-trust violations that can only be corrected via active state oversight.

State Advisory Council for Gifted and Talented Education:

The current Council is comprised of twenty-two (22) members with often duplicative educational backgrounds. While the restructured Council shall be comprised of fifteen (15) voting members with one (1) representative for each unique category, the reorganization enhances the variety of educational backgrounds and specialties represented, including participation by and collaboration with the Council on Postsecondary Education, the Education Professional Standards Board, the School Curriculum Assessment and Accountability Council, and the Department of Education.

Furthermore, the Department of Education and the Education Professional Standards Board shall continue to submit proposed administrative regulations and educational policies relating to gifted

and talented education and other administrative regulations that impact students for review by the advisory Council prior to seeking final approval of the appropriate Board. However, this document clarifies that the Council shall have thirty (30) days to comment unless the proposed administrative regulations are adopted using an emergency clause.

State Advisory Council for Exceptional Children:

The current Board is comprised of twenty-six (26) members with often duplicative educational backgrounds. While the restructured Council shall be comprised of fifteen (15) members with one (1) representative for each unique category, the reorganization enhances the variety of educational backgrounds and specialties represented, including participation by and collaboration with the Council on Postsecondary Education, the Education Professional Standards Board, the School Curriculum Assessment and Accountability Council, and the Department of Education.

Specifically, because the Council was originally created by executive order in 1995 to provide a state mechanism to help secure grant funds and comply with federal public law, there are no legislative approvals required to effect this change. Nonetheless, in addition to the need for more diversified membership and greater collaboration with related educational entities, the changes will result in greater attention being given to children with disabilities and special needs.

Reading Diagnostic and Intervention Grant Steering Committee:

The current steering committee is comprised of sixteen (16) members with often duplicative educational backgrounds. While the new committee will be reclassified as an advisory Council and consist of fifteen (15) members, the reorganization enhances the variety of educational backgrounds and specialties represented, including greater participation by and collaboration with the Department of Education, the Council on Postsecondary Education, the School Curriculum Assessment and Accountability Council, and the Education Professional Standards Board.

General Provisions:

All appointed members and non-voting advisors shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. In the event of any anticipated absences, ex-officio members may appoint a proxy by written communication to the secretary of the Board or Council. Such designees shall not be eligible for expense reimbursement but shall be entitled to full participation rights. Except for ex-officio appointees, any member missing three consecutive meetings shall be automatically removed from the Board or Council and the Governor may replace such member according to law.

Any internal policies and procedures shall also be reviewed and adopted annually during the final meeting of the fiscal year by resolution of the entire board or council. However, no policy or procedure adopted shall be construed to prevent new members from full participation rights or from serving as officers.

All boards or councils shall meet at least four (4) times annually at places and dates that shall be determined by resolution of the board or council.

MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2017-334
June 2, 2017

Any state agency, school district, public university or political subdivision of the Commonwealth required to hire a substitute for a member who is absent from his or her place of employment while performing Board or Council business shall be reimbursed by the Board or Council for the actual amount of any costs incurred if a request for reimbursement is made within thirty (30) days.

On making appointments, the Governor shall strive for broad geographic, racial, political and gender diversity among members. All appointees shall serve terms of three (3) years with no member serving more than two (2) consecutive terms, with exception of the Kentucky Board of Education and the Council on Postsecondary Education, whose terms shall remain unchanged.

Unless otherwise stated, all duties, functions, responsibilities, records, equipment, staff, and supporting budgets of the referenced boards or councils as they existed prior to the filing of the attached Executive Order and all functions, rights, powers, duties, and obligations set forth in relevant provisions of law are hereby transferred to the surviving entities. All other provisions of law applying to the boards herein shall remain in full force and effect and are hereby reaffirmed.

Fiscal Impact:

Changes being implemented by the attached Executive Order are expected to have minimal fiscal impact. Expenses relating to the affected Boards are already borne by executive branch agencies and the Board members are reimbursed for travel and actual costs only. The majority of impacted Boards will see a small reduction in membership, which could lead to nominal savings. However, the addition of four (4) ex-officio members to the Kentucky Board of Education may cost an additional $100 per meeting per member. Overall, it is expected that the improved planning and coordination of these entities as a result of reorganization will drive management and oversight costs down due to the utilization of shared staff and resources.

Delivery Of Services:

It is expected that the improved planning and coordination of these entities afforded as a result of reorganization will drive management and oversight costs down due to the utilization of shared staff and resources. Moreover, it is believed that the confluence of membership and collaboration will considerably improve the delivery and alignment of services to all education stakeholders in the Commonwealth, including students, teachers, parents, and schools.

Personnel Impact:

Presently, personnel provided for the affected Boards or Councils is provided from various executive branch agencies. In some cases, the Executive Order will allow greater flexibility in appointing employees or designating shared staff and resources. The impact is expected to be minimal.